

NO MERIT SHOWN IN KING'S PLEA

Affidavit of James Ingebreten
Disputes Claim of Donald-
son's Attorney.

NO STIPULATION EXISTED.

Lawyer's Agreement for Additional
Time for Bogus Doctor to Answer
Never Was Made, He Declares.

The third chapter in the legal recital of the civil case against James Donaldson, brought by William McWhirter, by which McWhirter is seeking the return of money taken from him and lost in a gambling game carried on at the Antler saloon house over a year ago, was written today when the files in the county clerk's office were made to show the entry of three affidavits, one from James Ingebreten, one from William McWhirter and the other from Alexander McWhirter, in answer to the showing made by Samuel King, as James Donaldson's attorney, in which he asked that the judgment rendered by Judge Lewis against Donaldson and in favor of McWhirter be vacated.

INGEBRETEN'S AFFIDAVIT.
In the affidavit of Ingebreten, the attorney declares that when King talked with him over the telephone with regard to a certain stipulation regarding an extension of time in which to answer. This conversation was had before Ingebreten was retained by the McWhirters, and Ingebreten told King that he could not talk of the case until he had been retained by the plaintiff in the action against Donaldson.

Later, says the affidavit, McWhirter ascertained from Samuel Russell, the attorney for the McWhirter brothers before Ingebreten was engaged, that there was no such stipulation. This information was given the deponent by McWhirter, it was also agreed that, as it appeared that there was a default by the defense, the McWhirters were entitled to a judgment. Ingebreten was instructed to secure such judgment.

NO STIPULATION.

The affidavit further states: "That both before taking the default and judgment and subsequent thereto, I inquired of said Samuel Russell whether he had in any way stipulated or in any way agreed with the attorney for the said defendant Donaldson, that the time for appearing and pleading on the part of the said defendant was or should be in any manner extended and he stated to me that he had made no such stipulation or agreement and knew of none to that effect."

CLOTHES WERE INJURED.

George Mullet & Co., have brought suit in the district court against Mrs. J. S. Donohue, to recover judgment for \$424.52, claiming that while she occupied apartments above their clothing store she permitted water to come through the ceiling and damaged their clothing stock in the amount named.

GEORGEAGES HEARING.

The case of the State vs. Peter Georgeages, charged with embezzling \$37 from the Penitentiary-Syllabus society, was called in Judge Diehl's court this morning but the matter was continued until Nov. 12 for preliminary hearing. Georgeages was brought back to Salt Lake from Chicago recently. It is alleged that he secured funds belonging to the society and skipped out with the money.

SUES TO RECOVER ON NOTE.

James Russell has commenced an action in the district court against R. V. Chamberlain, Daisy P. Chamberlain and Mary E. Jones, to secure the payment of a note for \$500, fees and costs. The note upon which the action rests was executed Aug. 4, 1907, to run one year.

CHARGED WITH ASSAULT.

Shortly after the arrival of the Los Angeles limited train on Tuesday today M. Davis a colored porter on the Pullman car was arrested by Officer Emil Johnson, for criminal assault. The complaint was sworn by a young lady passenger who charges the porter with attempting to enter her berth between 2 and 3 o'clock this morning. Davis was placed in jail pending hearing on the charge.

NUMBER IS "HOODOO."

A young woman by the name of May Anderson this afternoon reported to the police that on Sunday night, Oct. 20, at the Orpheum hotel was entered last night by unknown parties and with dress goods and hats valued at \$100 were taken. There was no clue to the thief.

COURT NOTES.

Battista Da Ronck has filed petition for letters of administration in the estate of Bartolo Da Ronck, who died intestate on July 29, 1907, in this city, leaving an estate worth \$600. The deceased was killed in the Commercial mine at Bingham and a cause of action is also a part of the estate.

Hood's Pills

Act on the liver and bowels, cure biliousness, constipation, morning and sick headache, break up colds, relieve uncomfortable fullness after dinner, painless cathartic, 25c.

Peptiron Pills

Ironize the blood, tone the stomach, aid digestion, and give restful sleep. Especially beneficial in nervousness and anemia. Chocolate-coated, pleasant to take. Two sizes: 30c. and 5c. Druggists or mail, C. I. HOOD CO., Lowell, Mass.

After Milk Dealers.

Food and Dairy Commissioner Seeking
Passage of Helpful Ordinance.

Walter Frazier, city food and dairy commissioner, intends to go after the milk merchants of the city in an effort to better the condition of the fluid they retail from their wagons under the name of milk at sixteen, fourteen or even twelve cents a quart, provides the ordinance as it stands, provides: "25c.—Quality of Milk. Cream, Butter, etc.—It shall be unlawful for any person to offer for sale, or to sell, milk, cream, butter, or any other dairy product, unless it is found to be of a standard below the requirements of the law, to warn the person carrying the milk in his wagon of the result. In the case of a conviction, it is necessary, under the ordinance as it stands, to prove that the milk of which the analysis was made was sold or offered for sale. It is deemed that this is almost an impossible thing to do, when, as Mr. Frazier says is done, the milk dealers try by every known way to avoid detection. The provisions of the ordinance are and how they may avoid them."

JUDGE POWERS LEAVES.

Starts for Washington, D. C., to Assist
in Defending Mrs. Bradley.

Judge and Mrs. O. W. Powers of this city left for New York on the Los Angeles Limited at noon today. They will attend the automobile show in the Grand Central Palace there and after two days' visit will hurry to Washington, D. C., where Judge Powers will assist in the defense of Mrs. A. M. Bradley, charged with the killing of former Senator Arthur Brown. The firm of Wells, Hoover & Wells of Washington, D. C., is the trial set for Nov. 11 final preparations are now being completed. The defense will use "insanity" in its fight for the little woman's freedom. The foundation of "emotional insanity" will be made despite persistent reports as the district of Columbia does not recognize such a thing as insanity. The trial in this city will start for Washington within a few days.

How to Save Money

Attend the big auction sale of the
J. C. Nelson Jewelry Co., 227 South
Main street, below Kenyon hotel, and
buy diamonds, watches, jewelry, rug-
gers' silverware, clocks, umbrellas, etc.,
at your own price. Sales each day
at 2:30 and 7:30 p. m. Chairs provided
for ladies.

TWO CASES TRANSFERRED.

Important Damage Suits Go from Dis-
trict Court to Federal Chambers.

The case of M. J. Stone, administrator of the estate of William P. Barker, against the Union Pacific Coal company, was today transferred from the Second district court to Ogden to the federal court. The defendant is alleged to have been the cause of the death of Barker, who was in the employ of the company in No. 2 mine, at Cumberland, Wyo., by reason of negligence on its part. Damages are asked for in the sum of \$10,000.

Attorney Cautioned.

J. F. Smith Has a Narrow Escape from
Contempt of Court Fine.

Atty. James F. Smith came very nearly getting himself fined yesterday afternoon in the criminal division of the city court by Judge Whitaker who was sitting for Judge Diehl. That the attorney was not fined for contempt of court was due entirely to the rare patience exercised by the court.

BOUNTIES ON PELTS.

Nearly Three Thousand Pests Killed
And \$3,700 Paid Out.

That the new bounty law has had a beneficial effect in districts infested by the pesky "varmints" which are the sheepman's greatest dread, is easily seen in the fact that 2,900—very nearly 3,000—of the pests have been put where they can do no harm. The payment of bounties on the pelts of these animals has amounted to \$3,700. The following table shows the number of claims, the number of pelts presented for bounties and the amount paid out in the various counties of the state:

WARD ENTERTAINMENTS

Farewell Entertainment—A farewell
entertainment will be given Friday
evening, Oct. 25, at 8 o'clock, in the
Twelfth ward hall, in honor of Elder
Charles A. Caldwell, who leaves shortly
for the European mission. Volun-
tary contributions will be received at
the door. Among those taking part
in the program are the following:
George Young, Elva Bradford, Mar-
garet and Sylvia Cahoon, Alice Ed-
wards, Clara Williams, J. S. Donelson,
E. R. Platt, Jr., Marion Cannon, El-
len Thibault, Jean Williams, Kitty
Bowling, Elma Young, H. K. Aldous,
and others.

"MASQUE CARNIVAL"

All eyes are on the big Halloween
Carnival at the Auditorium, Richards
street, set for October 31st. It is esti-
mated that every costume in the city
will be in use for this occasion. The
Auditorium floor will be surrounded
by eight or nine hundred people, and
there is a prize for each costume, aside
from the grand prizes. (5 in number)
offer them in prize to be a big time.
The numerous races at these carnivals
are always interesting. The free for all
dog track race, the free for all boys'
race, free for all lady's race, fatman's
race, fat lady's race, clown's race and
other amusing features, all go to make
up an interesting program. All masques
and costumes are entering the
building. Only those in costume will be
allowed on the floor before the grand
march. After that all can skate.

Tanner & Tanner, Attorneys-at-Law.

Have moved from the Templeton to the
Residence & Trust Building, Room 907-
510, Opposite Z. C. M. L.

MILK CHOCOLATES

In the Bright
Red Packages

Satisfy a taste for
class confection
The high grade
among sweet
chocolate
candies

Sweet Candy Co.

Manufacturing Confectioners.

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County.	Claims.	Am't. Killed.
Boxelder	49	\$8,250.00
Bozeman	1	50.00
Cascade	17	47.50
Carbon	14	56.25
Chouteau	2	2.50
Davis	2	17.50
Deer	29	72.50
Grand	3	6.25
Iron	3	34.50
Judith	23	134.25
Kane	49	143.75
Millard	117	497.50
Morgan	3	8.75
Platte	11	37.50
Rich	15	46.25
Salt Lake	15	28.75
San Juan	6	21.25
Sheridan	23	55.50
Sevier	37	98.75
Summit	35	110.00
Teton	81	406.25
Yellowstone	34	127.50
Chouteau	23	134.25
Wasatch	44	122.50
Washington	23	85.00
Wayne	23	47.50
Weber	12	68.75
Totals	848	\$3,700.00

INDOOR CONTESTS.

New York, Oct. 25.—A splendid lot of athletes from all parts of the country will compete in the national indoor championship of the amateur athletic union at Madison Square garden tonight and tomorrow night. An interesting event is the 600 yard dash in which Melvin Sheppard, the phenomenal runner of the Irish-American, will challenge William Sheehan of Boston. J. Bromlow, Charles H. Con. W. Mackay, of Canada, and other well known middle-distance runners, will also take part. The junior half mile championship will be contested in the afternoon and forced Sheppard to the utmost in the senior half mile the next day.

REGARDING HOMESTEADS.

The U. S. Land office in this city received this morning, the following notification from the general land office as Washington: You are directed to at once inform all concerned that in all cases where homestead entries are made after November 1, 1907, commutation proofs must show actual and continuous bona fide residence for the full period of 14 months. In all cases where the entries were made before November 1, 1907, the rule heretofore existing that six months constructive residence following the date of the entry will be considered as part of the required 14 month residence, will remain in force.

WARREN PART COMPANY.

A decree of divorce was granted Margaret Warren today in the third district court, severing the bonds of matrimony that bound her to Joseph Warren. The grounds upon which the divorce was secured was failure to provide the necessities of life. They were married in 1890, and the custody of a 14-year-old son is awarded the mother.

GRANITE STAKE REUNION.

President Joseph F. Smith Addresses
The Seventies in Stake Tabernacle.

The nine quorums of seventies resident in Granite stake held a reunion last evening in the stake tabernacle, and the event proved to be one of the most interesting and enjoyable yet held in the stake. The hall was crowded to its capacity, and not only was the program thoroughly entertaining, but the religious viands served during the evening were heartily relished.

HE STOLE BRASS.

Will Harris, the young man arrested by the police a day or two ago on the charge of stealing brass from the Utah Light & Railroad company, made a confession that he is the guilty person. Detectives Shannon and Wilson were detailed on the case and this morning arrested Joe Solita, an accomplice. The officers learned that Solita had sold some of the brass to a junk man. Solita was released because it was shown that he did not know the brass was stolen. He promised to hunt up the junk man and recover the stolen property if possible.

TO HAVE NEW PLAYHOUSE.

Salt Lake, now has 11 show houses, actual, and two projected. Of the latter, the latest to receive consideration will occupy a site on State street, between the Orpheum and First South. The projectors are Messrs. R. W. Clough, William M. Minor and Charles P. Minor, they having secured a lease of the ground yesterday from Mrs. Harry Cooper Young. The parcel of land is 50 by 140 feet and now occupied by shacks. These will be razed at once and will be replaced by a playhouse, which is designed to be ready for use before the season is over. It will probably be a vaudeville house, but that has not yet been determined upon.

CHARLEY DAVIDSON OUT.

Resigns Traveling Passenger Agency
At Denver to Go Back to Key.

C. A. (Charley) Davidson, for a long time an associate of the Denver & Rio Grande ticket offices has gone back to the "key." Mr. Davidson was in Salt Lake until May when he went to Denver to assume the duties of traveling passenger agent for the Rio Grande in that territory. Mr. Davidson was a telegrapher before getting into the up-town offices and will go back to his old love. He resigned several days ago and until some one can be found to take his place permanently Harry Cushing, traveling passenger agent of the Rio Grande here, will hold down the Denver territory. Mr. Davidson has been away from this city for some weeks booming Utah, Colorado and the Rio Grande throughout the eastern and middle western states at state fairs and was on his way home when called to fill Mr. Davidson's position. Harry knows Colorado and Utah as well as most people know their residence street. It is expected he will not reach this city for a month.

TRAVEL IS ENERGOUS.

Westbound Trains Passing Through
City in Two and Three Sections.

Local railroads report no abatement in the enormous travel passing westward through this city. Today the three regular Rio Grande west-bound trains will go through in seven sections, making seven crowded trains passing through one after another. The sections of each train are made up of from five to seven cars, one section consists of standards, another of tourists and a third of day coaches. Local officials place an estimate of the passengers arriving in this city daily over the Rio Grande alone at 1,000 persons. The majority of them are taken to the Junction at Ogden. The Salt Lake route reports crowded trains, also. Aside from regular equipment which pass through here tomorrow there will be 21 extra tourist coaches, attached to Rio Grande trains, Utah, Idaho, Nevada, and California, are getting these people and in the main they are thrifty farmers seeking homes in a new territory.

SPIKE AND RAIL.

H. J. Snyder, general agent of the Mexican Central at San Francisco, is in town today.

C. W. Purdum, chief clerk in the Burlington's freight office at Council Bluffs, Iowa, is a railroad visitor to-day.

A special party, composed of 125 travelers from Ohio and Indiana, bound for the coast, will reach this city tomorrow noon, on Rio Grande No. 8. The tourists left Chicago over the Burlington in special cars and stopping off at principal cities en route. They will remain in this city until midnight, J. H. Teeter, traveling passenger agent of the B. & O. at Chicago, and a Mr. Streight of the B. & O. are in charge of the trip.

Frank E. Ward has been made gen-

H. C. BUSH AND WIFE COMPLETE TRIP

Finish Novel Celebration of Wed-
ding Anniversary in Salt
Lake City.

ARE ENTERTAINED ROYALLY.

Traffic Manager of the Colorado-Mid-
land Meets Friends in Two States
—Enjoys Visit Here.

H. C. Bush, traffic manager of the Colorado-Midland, and Mrs. Bush left this city this morning after a two days' visit in this city. Mr. and Mrs. Bush completed a most unique celebration of their twenty-fifth wedding anniversary in this city. Traveling in their private car Manitou, they stopped over at the larger cities along the Midland and at each place held "open house" for their friends and acquaintances in Colorado and this state. Salt Lake was the last city in the itinerary. They were accompanied by California friends and while here the party was entertained by L. H. Harding of the Midland here, and Mrs. Harding. An auto ride yesterday morning started the party, and with a luncheon at the Commercial club, an organ recital in the tabernacle at 4 o'clock, a trip to Saltair in the afternoon, and a theater party in the evening, the day was a busy and enjoyable one.

NO RAILROAD TALK.

Mr. and Mrs. Bush are well known and very popular among railroad folk throughout Colorado and Utah and wherever they stopped their car was filled with friends delighted to see them. Traffic agents were laid aside by Mr. Bush and no one was so rude as to bring up any subject involving railroads in any shape, form or manner. After the party were laid aside by Mr. Bush and no one was so rude as to bring up any subject involving railroads in any shape, form or manner. Yesterday morning the visitors were lavish in their expressions of surprise regarding the city's appearance in every way. They predicted great things for this city and say they do not believe any unsatisfactory conditions in the east will affect the prosperity of the west, to any great extent. Mr. Bush was at one time general agent for the Santa Fe at San Francisco and about eight years ago went with the Midland going to Denver as traffic manager of that road, a position he has held ever since.

DETAILS WORKING OUT.

Continental Tunnel and Moffat Com-
panies Mapping Out Big Project.

Maps, charts and blue prints of the route of the Continental Tunnel Railway company have been filed in the Denver office. The papers show the company will build a six-mile tunnel through James peak for the use of the Moffat road thus owning 13 miles of the road, the tunnel and both approaches. J. H. Crawford, of the Moffat Springs has resigned from the board of directors and Myron T. Herrick, former governor of Ohio, has been named to fill the vacancy. Mr. Crawford resigned because it is impossible for him to attend the meetings, etc., but will continue to work for the success of the project. The Moffat road has a capital of \$2,500,000 worth of its first mortgage bonds in escrow as a guarantee of good faith and agrees further to use the tunnel forever. The tunnel, 8 1/2 miles long, will be put out at \$100 and every advantage offered the investor, no matter how modest his investment may be. If he wants one bond only, he can get it. The installment plan and small payments will be accepted. The one provision is that the money subscribed be paid by the first of the coming February. Denver looks upon the bonds with favor and the bankers of that city are willing to have their names used in this connection.

A BOLD ROBBERY.

Two Highwaymen Grab \$9,000 in
Phila. Sub-Treasury.

Philadelphia, Oct. 25.—Two men walked into the subtreasury here this morning, grabbed \$9,000 that was being paid out to a national bank teller and started to run from the building. Clerks and others gave chase and the two men were so hotly pursued that they threw the money under a street car. Both men were captured and are now in the city hall. One of them carried a revolver. The money was in notes and was all recovered.

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Frank E. Ward has been made gen-



All over the Northwest Mo-
Donald's Dutch Chocolates are
supplanting other Chocolates
They're better, that the reason

LATE LOCALS.

Local Bank Clearings—Today's to-
cal bank clearings amounted to \$950-
952.32 as against \$892,472.91 for the
same day last year.

Auditor Crutcherbank Ill.—J.
Crutcherbank, auditor of elections, ac-
counts of the Short Line, has been
ill for several days.

Western Branches O. K.—The Salt
Lake office of the Westinghouse com-
pany reports that conditions in
Pittsburgh do not affect the western
interests of the company at all.

UTAH STATE LAND SELECTIONS APPROVED.

(Special to the "News.")
Washington, D. C., Oct. 25.—The
has been approved to Utah under
grant for normal schools, 372 acres of
land embraced within its list No. 12,
Vernal land district, and 1,791 acres of
land embraced within its list No. 12,
Salt Lake City district.

NOVELTY A TOTAL LOSS.

Marshfield, Oct. 24.—Late re-
ports from the wreck of the
schooner Novelty, are that the vessel
will be a total loss. She is high and
dry on the beach and too far from
deep water to be saved. The
Columbia, which was at the scene
this morning, but made no attempt
to release the Novelty, considers it
useless. The schooner cost origi-
nally \$40,000. She was insured.

WEATHER REPORT

Record at the local office of the
States weather bureau, for the 24th
ending at 6 a. m. today:
Temperature at 6 a. m., 44; maximum,
60; minimum, 62; mean, 58, which is
above normal.

Precipitation, .02 inch.
Precipitation for the first of the
month, .38 inch, which is .15 inch be-
low the normal.

Accumulated excess in precipitation
since Jan. 1, 3.12.
Relative humidity, 71 per cent.

FORECAST TILL 6 P. M. SATURDAY:
Forecast for Salt Lake City and
vicinity:
Partly cloudy and unsettled tonight and
Saturday.
For Utah:
Fair tonight and Saturday.

TODAY'S TEMPERATURE.

6 a. m. 44
7 a. m. 48
8 a. m. 52
9 a. m. 56
10 a. m. 60
11 a. m. 64
12 m. 68
1 p. m. 72

YESTERDAY'S RECORD.

Highest 72
Lowest 44

DIED.

GULBRANSEN.—At the residence of
of 43 Jeremy street, Oct. 23, of general
debility, Elizabeth, wife of Edward Gul-
bransen, aged 72 years.

Funeral services will be held in the
Fifteenth ward chapel, corner Eighth
West and First South streets, Sunday,
Oct. 27, at 2 p. m. Friends invited to
attend in city cemetery.

R. E. Evans, Florist, 26 S. Main & Floral Design a Specialty, "Phon Ml."

Eber W. Hall, 235 South West Temple
St., Funeral Director, Licensed
Embalmer, Private Ambulance.

UNION DENTAL CO.